

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RODOLFO CARVAJAL and SYLVIA TREJOS,
husband and wife,

Plaintiffs,

v.

HOLLAND AMERICA LINE INC., a
Washington corporation; ROYAL HYWAY
TOURS, INC., an Alaska corporation D/B/A
GRAY LINE OF ALASKA and/or GRAY LINE
ALASKA,

Defendants.

NO.

COMPLAINT FOR DAMAGES

JURY DEMAND

I. JURISDICTION AND VENUE

1. This claim for damages is for injuries suffered by Plaintiffs caused by the negligence of defendants. Jurisdiction is vested in this court pursuant to 28 U.S.C. § 1332, diversity of citizenship.

2. The amount in controversy exceeds the sum of \$75,000 exclusive of interest and

costs.

3. Venue is proper in the United States District Court for the Western District of Washington.

II. PARTIES

4. Plaintiff RODOLFO CARVAJAL, at all times material hereto, is a citizen and resident of San Jose, Costa Rica.

5. Plaintiff SYLVIA TREJOS, at all times material hereto, is a citizen and resident of San Jose, Costa Rica.

6. HOLLAND AMERICA LINE, INC. (hereinafter referred to as “HAL”) is a registered corporation in Washington State with its principal place of business being 450 3rd Avenue West, Seattle, Washington 98119.

7. ROYAL HYWAY TOURS, INC. is an Alaska corporation, with its principal place of business at 450 3rd Avenue W, Seattle, Washington 98119 and conducts business as GRAY LINE OF ALASKA and/or GRAY LINE ALASKA (hereinafter referred to as “RHT”). Upon information, HAL is the sole shareholder of RHT.

III. FACTUAL ALLEGATIONS

8. In 2014, Plaintiff CARVAJAL was diagnosed with Amyotrophic Lateral Sclerosis (ALS), which is a progressive, neurodegenerative disease.

9. At the time of the subject incident, Plaintiff CARVAJAL was confined to an electric wheelchair and required 24-hour care from a specialized medical assistant.

10. At the time of the subject incident, Plaintiff CARVAJAL required a feeding tube for all nutrition and his airway would become restricted if he was in the wrong position.

11. On July 21, 2018, Plaintiffs and their children departed from Seattle, Washington on

1 the Norwegian Bliss, a cruise ship operated by Norwegian Cruise Lines.

2 12. On July 24, 2018, the Norwegian Bliss was docked on the “AJ Dock” located at 1110
3 Jacobsen Drive in Juneau, Alaska. Plaintiff CARVAJAL and his specialized medical assistant exited
4 the Norwegian Bliss and were in a marked pedestrian walkway on the AJ Dock when a tour bus
5 bearing license plate number ECL633 driven by defendants’ employee and/or agent, Vincent James
6 Tippet, suddenly reversed and went backward into the walkway and struck Plaintiff CARVAJAL,
7 knocking him to the ground. Plaintiff CARVAJAL was in his electric wheelchair when this
8 frightening incident occurred.

9 13. As a result of being struck and knocked over into the horizontal position, which
10 impeded his ability to breathe, Plaintiff CARVAJAL sustained personal injuries and severe
11 psychologically traumatic injuries which he continues to experience.

12 IV. CAUSE OF ACTION

13 14. Plaintiffs hereby incorporate paragraphs 1 through 13 above as though fully set forth
14 in full in this cause of action.

15 15. At all times herein mentioned, defendants owned, operated and/or maintained the
16 subject tour bus.

17 16. As the operator of the subject tour bus, Vincent James Tippet had a duty to exercise
18 ordinary care and yield to pedestrians in a marked pedestrian walkway and to take appropriate
19 precautions when reversing into such marked pedestrian walkway.

20 17. Defendants are vicariously liable for the negligent acts and omissions of Vincent
21 James Tippet under the doctrine of respondeat superior.

22 18. As a direct and proximate result of defendants’ negligence, Plaintiffs sustained
23 substantial injuries.

VI. JURY DEMAND

Pursuant to FRCP 38 and LCR 38, Plaintiffs demand a trial by jury on all issues triable by jury.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for compensatory damages to be awarded in their favor against the defendants, jointly and severally, in a fair sum as shall be proved at trial to fairly compensate them for their special and general damages, together with costs, attorney's fees, disbursements, pre-judgment interest, and such other and further relief as the court shall deem just and proper. Plaintiffs also pray for punitive damages against defendants under Alaska law, in an amount to be determined at trial.

DATED this 19th day of July, 2019.

LAW OFFICES OF JAMES S. ROGERS

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